

HOUSE BILL No. 1659

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-9-3.

Synopsis: Central Indiana Regional Transportation Authority. Provides that the mayors of the four largest municipalities that are participating in the Central Indiana Regional Transportation Authority (CIRTA) and are located outside Marion County shall each appoint a member to the CIRTA board. (Current law provides that these mayors make one joint appointment to the CIRTA board.) Provides that the fiscal bodies of all counties participating in the CIRTA may authorize the imposition of a property tax on behalf of the CIRTA. Specifies that the property tax rate imposed by a particular county under this provision may not exceed the rate necessary to raise an amount equal to \$0.70 per capita for that county. Requires that the property taxes imposed by a county on behalf of the CIRTA be transferred to the CIRTA. Provides that the property tax levy limits do not apply to property taxes imposed by a county on behalf of the CIRTA. Requires that at least 75% of the property tax revenue transferred to the CIRTA be used for the operation of mass transit and for planning and studies related to mass transit.

Effective: July 1, 2007.

Austin

January 23, 2007, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1659

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-9-3-5, AS AMENDED BY P.L.1-2006,
2 SECTION 584, AND AS AMENDED BY P.L.169-2006, SECTION
3 79, IS CORRECTED AND AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) An authority is under the
5 control of a board (referred to as "the board" in this chapter) that,
6 except as provided in subsections (b) and (c), consists of:

7 (1) two (2) members appointed by the executive of each county in
8 the authority;

9 (2) one (1) member appointed by the executive of the largest
10 municipality in each county in the authority;

11 (3) one (1) member appointed by the executive of each second
12 class city in a county in the authority; and

13 (4) one (1) member from any other political subdivision that has
14 public transportation responsibilities in a county in the authority.

15 (b) An authority that includes a consolidated city is under the
16 control of a board consisting of the following:

17 (1) Two (2) members appointed by the executive of the county

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1 having the consolidated city.

2 (2) One (1) member appointed by the board of commissioners of
3 the county having the consolidated city.

4 (3) One (1) member appointed by the executive of each other
5 county in the authority.

6 (4) Two (2) members appointed by the governor from a list of at
7 least five (5) names provided by the Indianapolis regional
8 transportation council.

9 (5) One (1) member ~~representing~~ **appointed by the executive of**
10 **each of** the four (4) largest municipalities in the authority located
11 in a county other than a county containing a consolidated city.
12 ~~The member shall be appointed by the executives of the~~
13 ~~municipalities acting jointly.~~

14 (6) One (1) member representing the excluded cities located in a
15 county containing a consolidated city that are members of the
16 authority. The member shall be appointed by the executives of the
17 excluded cities acting jointly.

18 (7) One (1) member of a labor organization representing
19 employees of the authority who provide public transportation
20 services within the geographic jurisdiction of the authority. The
21 labor organization shall appoint the member.

22 (c) An authority that includes a county having a population of more
23 than four hundred thousand (400,000) but less than seven hundred
24 thousand (700,000) is under the control of a board consisting of the
25 following ~~nineteen (19)~~ *twenty-one (21)* members:

26 (1) Three (3) members appointed by the executive of a city with
27 a population of more than ninety thousand (90,000) but less than
28 one hundred five thousand (105,000).

29 (2) Two (2) members appointed by the executive of a city with a
30 population of more than seventy-five thousand (75,000) but less
31 than ninety thousand (90,000).

32 (3) One (1) member jointly appointed by the executives of the
33 following municipalities located within a county having a
34 population of more than four hundred thousand (400,000) but less
35 than seven hundred thousand (700,000):

36 (A) A city with a population of more than five thousand one
37 hundred thirty-five (5,135) but less than five thousand two
38 hundred (5,200).

39 (B) A city with a population of more than thirty-two thousand
40 (32,000) but less than thirty-two thousand eight hundred
41 (32,800).

42 (4) One (1) member who is jointly appointed by the fiscal body of

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the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than eight thousand (8,000) but less than nine thousand (9,000).

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).

(B) The fiscal body of a town with a population of more than nine thousand (9,000) but less than twelve thousand five hundred (12,500).

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than eight thousand (8,000).

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).

(7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following

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1 authorities of municipalities that are located within a county with
 2 a population of more than four hundred thousand (400,000) but
 3 less than seven hundred thousand (700,000):

4 (A) The executive of a city having a population of more than
 5 twenty-five thousand (25,000) but less than twenty-seven
 6 thousand (27,000).

7 (B) The executive of a city having a population of more than
 8 thirteen thousand nine hundred (13,900) but less than fourteen
 9 thousand two hundred (14,200).

10 (C) The fiscal body of a town having a population of more
 11 than one thousand five hundred (1,500) but less than two
 12 thousand two hundred (2,200).

13 (9) Three (3) members appointed by the fiscal body of a county
 14 with a population of more than four hundred thousand (400,000)
 15 but less than seven hundred thousand (700,000).

16 (10) One (1) member appointed by the county executive of a
 17 county with a population of more than four hundred thousand
 18 (400,000) but less than seven hundred thousand (700,000).

19 (11) One (1) member of a labor organization representing
 20 employees of the authority who provide public transportation
 21 services within the geographic jurisdiction of the authority. The
 22 labor organization shall appoint the member. If more than one (1)
 23 labor organization represents the employees of the authority, each
 24 organization shall submit one (1) name to the governor, and the
 25 governor shall appoint the member from the list of names
 26 submitted by the organizations.

27 (12) The executive of a city with a population of more than
 28 twenty-seven thousand four hundred (27,400) but less than
 29 twenty-eight thousand (28,000), located within a county with a
 30 population of more than one hundred forty-five thousand
 31 (145,000) but less than one hundred forty-eight thousand
 32 (148,000), or the executive's designee.

33 (13) The executive of a city with a population of more than
 34 thirty-three thousand (33,000) but less than thirty-six thousand
 35 (36,000), located within a county with a population of more than
 36 one hundred forty-five thousand (145,000) but less than one
 37 hundred forty-eight thousand (148,000), or the executive's
 38 designee.

39 (14) One (1) member of the board of commissioners of a county
 40 with a population of more than one hundred forty-five thousand
 41 (145,000) but less than one hundred forty-eight thousand
 42 (148,000), appointed by the board of commissioners, or the

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member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton.

(B) Porter.

(C) Burns Harbor.

(D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.

(B) Morgan Township.

(C) Pleasant Township.

(D) Boone Township.

(E) Union Township.

(F) Porter Township.

(G) Jackson Township.

(H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

SECTION 2. IC 36-9-3-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 29.5. (a) As part of the budget submitted for approval by an authority under section 29 of this chapter, the authority may certify to the county auditor of each county participating in the authority an amount that does not exceed seventy cents (\$0.70) per capita for that county.**

(b) In addition to any budget approvals required under section 29 of this chapter, the fiscal body of all counties participating in the authority may authorize the imposition of a property tax under this section on behalf of the authority. The authorization must be made by the fiscal bodies of all counties participating in the authority.

(c) If a property tax is authorized under subsection (b) by the fiscal bodies of all counties participating in the authority, the county auditor of each county participating in the authority shall establish and advertise the amount of the property tax levy and property tax rate under this section for the county in the same manner used to establish and advertise other property tax levies in the county.

(d) The property tax rate authorized by a county fiscal body and

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1 imposed by a particular county under this section may not exceed
 2 the rate necessary to raise an amount equal to seventy cents (\$0.70)
 3 per capita for that county.

4 (e) The property taxes imposed by a county under this section
 5 shall be entered upon the tax duplicates by the county auditor and
 6 shall be collected and enforced by the county treasurer in the same
 7 manner as other county property taxes are collected and enforced.

8 (f) The property taxes collected by a county treasurer under this
 9 section shall be transferred to the authority.

10 (g) In determining the amount of the necessary property tax
 11 levy and property tax rate for purposes of this section, the
 12 authority shall take into consideration:

13 (1) the amount of revenue, if any, to be derived from federal
 14 grants and contractual services; and

15 (2) miscellaneous revenues.

16 (h) The ad valorem property tax levy limits imposed by
 17 IC 6-1.1-18.5 do not apply to property taxes imposed by a county
 18 under this section.

19 (i) For purposes of computing the property tax levy limits
 20 imposed on a county by IC 6-1.1-18.5, the county's property tax
 21 levy for a calendar year does not include that part of its levy that
 22 is levied under this section.

23 (j) At least seventy-five percent (75%) of the property tax
 24 revenue transferred to the authority under this section must be
 25 used for:

26 (1) the operation of mass transit; and

27 (2) planning and studies related to mass transit.

28 (h) The property taxes imposed by a county under this section
 29 are not eligible for property tax replacement credits under
 30 IC 6-1.1-21.

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